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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

| | | |
|----------------------|---|-----------------------|
| HESTER I. LAY, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | CIVIL NO. 3:05-CV-566 |
| |) | PHILLIPS/GUYTON |
| JO ANNE B. BARNHART, |) | |
| COMMISSIONER OF |) | |
| SOCIAL SECURITY, |) | |
| |) | |
| Defendant. |) | |

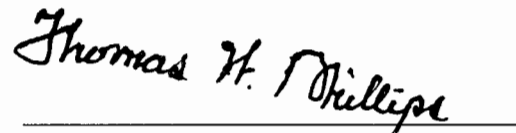
ORDER OF REMAND
UNDER SENTENCE FOUR, 42 U.S.C. § 405(g)

Pursuant to the power of this Court to enter a judgment affirming, modifying, or reversing the Commissioner's decision with remand in Social Security actions under sentence four of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), and in light of the parties' motion to remand this action, this Court now, upon substantive review, hereby enters judgment under sentence four of 42 U.S.C. § 405(g) reversing the Commissioner's decision with a remand of the cause to the Commissioner according to the following terms. See Shalala v. Schaefer, 509 U.S. 292, 296, 113 S.Ct. 2625, 2629 (1993); Melkonyan v. Sullivan, 501 U.S. 89, 97-98, 111 S.Ct. 2157, 2163 (1991).

Upon remand, the Administrative Law Judge (ALJ) will hold a supplemental hearing with a Vocational Expert (VE) and will explicitly incorporate his residual functional capacity findings into the hypothetical question he poses to the VE. After eliciting VE testimony in response to the hypothetical, the ALJ will ask the VE whether his testimony is consistent with the Dictionary of Occupational Titles. If it is not consistent, the ALJ will elicit a reasonable

explanation for the discrepancy. At the hearing, plaintiff will be afforded the opportunity to testify and allowed to submit additional evidence.

The Clerk of the Court will enter a separate judgment pursuant to Rule 58 of the Federal Rules of Procedure.


United States District Judge

Proposed by:

s/Loretta S. Harber

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